

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by Todd Vargo, Planner I

**SUBJECT:** Resolution  
DG 10-4-02 Regency Plat, 4703 SW 148 Avenue/Generally located southwest of the intersection of Griffin Road and SW 148 Avenue.

**AFFECTED DISTRICT:** District 4

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "REGENCY PLAT", AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "Regency Plat" from "this plat is restricted to 382 multi-family units, 25.5121 acres of commercial use and 10.5 acres of office park" to "this plat is restricted to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage, and 235,454 square feet of commercial use."

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "REGENCY PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the Regency Plat was recorded in the public records of Broward County in Plat Book 121, Page 48; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the Regency Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

<b><u>Owner:</u></b>	<b><u>Agent:</u></b>
<b>Name:</b> McCann Investment Properties, Ltd.	<b>Name:</b> Charles Putman & Associates
<b>Address:</b> One Biscayne Tower, Suite 35999	<b>Address:</b> 4722 NW Boca Raton Boulevard Suite C-106
<b>City:</b> Miami, FL 33131	<b>City:</b> Boca Raton, FL 33431
<b>Phone:</b> (305) 374-0501	<b>Phone:</b> (561) 994-6411

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**BACKGROUND INFORMATION**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the current plat note restriction on the "Regency Plat" from "This plat is restricted to 382 multi-family units, 25.5121 acres of commercial use and 10.5 acres of office park" to "This plat is restricted to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage and 235,454 square feet of commercial use."

**Address/Location:** 4703 SW 148 Avenue/Generally located to the southwest of the intersection of Griffin Road and SW 148 Avenue.

**Future Land Use Plan Designation:** Commercial (Tracts A, B, C, and F), Residential – 3 DU/acre (Tracts D and E)

**Zoning:** PUD (county)

**Existing Use:** Commercial use (Tracts A and C), vacant (Tract B), 182 single family homes (Tracts D and E) and a lake (Tract F).

**Proposed Use:** Commercial use (Tract A), automobile dealership and storage (Tract B), 182 single family homes (Tracts C, D, and E), and a lake (Tract F).

**Parcel Size:** 76.2949 acres (3,323,407 square feet)  
**Tract A:** 25.5089 acres (1,111,165 square feet)  
**Tract B:** 14.0123 acres (610,377 square feet)  
**Tract C:** 7.6581 acres (333,587 square feet)  
**Tract D:** 8.2864 acres (360,957 square feet)

**Tract E:** 9.5222 acres (414,788 square feet)  
**Tract F:** 11.3070 acres (492,533 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Vacant	Commercial
<b>South:</b>	Residential	Residential
<b>East:</b>	Residential, Vacant	Residential
<b>West:</b>	Transportation (I-75)	Transportation

	<b><u>Surrounding Zoning:</u></b>
<b>North:</b>	A-1, Agricultural District
<b>South:</b>	Residential
<b>East:</b>	Residential
<b>West:</b>	T, Transportation

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## ZONING HISTORY

**Related Zoning History:** The Ivanhoe PUD was approved and developed under Broward County in 1980. Broward County Ordinance 80-76, approved by Broward County September 29, 1980, rezoned the 864 acre Ivanhoe Development from A-1 to Planned Unit Development (PUD). The Regency property is part of the Ivanhoe Planned Unit Development. The Regency Plat was recorded on January 7, 1985. Town of Davie Ordinance 86-14, approved February 1986, annexed the PUD into the Town of Davie and kept Broward County Ordinance 80-76 in effect.

**Previous Request on same property:** While there has been much development on the Regency Plat, the requests listed below reflect those within the past five years.

On October 2, 1997, Town Council passed DG 9-2-97, Shell Oil at Regency Square, a request to relocate the northernmost opening 275 feet south of the northern limits of the plat.

On October 6, 1999, Town Council approved both SP 8-5-99, Regency Square Roadway Modification and, SP 6-14-99, Regency Park Office Center.

DG 10-2-99, a delegation request to change the plat note from "382 multi-family units, 25.5 acres of commercial use and 10.5 acres of office park" to "182 single family units, 172,500 square feet of commercial use, a 120 room hotel, 12,500 square feet of restaurant and 140,000 square feet of office use," was approved by Town Council on November 17, 1999.

Town Council approved SP 12-8-99, Holiday Inn Express, on February 2, 2000.

Town Council approved SE 10-1-00, Nextel at Regency Square on November 15, 2000 a special permit for the construction of a stealth-facility communications site.

Denny's Restaurant site plan, SP 8-6-00, was approved on April 4, 2001 by Town Council.

A site plan application (SP 10-7-02) for an automobile dealership to be located on Tract B has been submitted to staff for approval.

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### APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the “Regency Plat” to reflect the proposed level of development.

**Current Plat Note:** This plat is restricted to 382 multi-family units, 25.5121 acres of commercial use and 10.5 acres of office park.

**Proposed Plat Note:** This plat is restricted to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage and 235,454 square feet of commercial use.

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### Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

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### Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

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### Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 117. Approval of the delegation request shall be subject to sufficient capacity of the regional road network as

determined by Broward County. In the event that sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

**Broward County Land Development Code:** The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** The proposed delegation request is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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### **Staff Analysis/Findings of Fact**

The proposed amendment is consistent with the existing and proposed use of the subject site.

It is noted, as part of the application a traffic analysis of the proposed development was completed by Tinter Associates, Inc., transportation engineers, stating the proposed change in the restrictive note does not increase or decrease the number of traffic trips for the parcel. As previously noted, the approval of this request is subject to the trip capacity of the regional road network to be determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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### **Exhibits**

1. Justification letter
2. Plat
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



**CHARLES PUTMAN & ASSOCIATES, INC.**

LAND DEVELOPMENT CONSULTANTS  
PLANNING | ZONING | PERMITTING

Boca Raton | (561) 994-6411  
Fax | (561) 994-0447

October 11, 2002

Mark A. Kutney  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314-3399

**Re: MODIFICATION OF PLAT NOTE  
REGENCY PLAT - PB 121, PAGE 48  
WARREN HENRY PROJECT**

Dear Mark:

See the attached Delegation Request that we are proposing to submit to Broward county relative to the Warren Henry project. The purpose of the request is to modify the acreage language now shown on the Plat to reflect the mix of uses currently in existence or being proposed.

As you know, the County will not process a delegation Request of this nature until they have received a letter from the local municipality indicating their support for the change. Please consider this letter to be my formal request to the Town of Davie to provide us with such a letter.

Let me know if you will need further information in order to process this request. Call if you have any questions.

Sincerely,

**CHARLES PUTMAN & ASSOCIATES, INC.**



Charles Putman

Attachments

KutneyDelReqLtr 10-9-02.wpd

4722 N.W. Boca Raton Boulevard | Suite C106 | Boca Raton, Florida 33431

10/16/02



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A SUBDIVISION IN THE E.S. 14 OF SEC. 23, TWP. 20 SOUTH, R. 2E, E. 4TH OF THE FORTIONA FLINT  
SUBDIVISION AT/ IN THE N.E. 1/4 OF SEC. 33, TWP. 20 SOUTH, R. 2E, E. 4TH (S.A. 17 QAD) ANNEBROOK COUNTY, ALA.

DEPOSED BY: PERRY CALVIN BROWN, JR. - ENGINEER AND SURVEYOR - BROWARD COUNTY, FLA. 10-19-78

Deerfield County Planning Council:

There are no cases that the American Society  
of International Criminal Jurisprudence has  
been involved in. The American Society of  
Criminal Jurisprudence has been involved in  
many cases that have been decided by the  
Supreme Court of the United States.

2263

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES  
DEPARTMENT - COUNTY RECORDS-DIVISION- MINUTES SECTION[illegible]

Received of J. C. ...  
the sum of ...  
for ...

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES  
DEPARTMENT-COUNTY RECORDS DIVISION-RECORDING SECTION

1900 11/6

Charles C. Doyle  
Secretary

...مجلسه استوار و عالی حضرت مولانا صاحبزاده

Barbara Canyon, Denver:

particular in the past, but we are not sure.

Approved: \_\_\_\_\_  
Special Agent in Charge

BOOMER COUNTY OFFICE OF PLANNING:

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**DEDICATION:**

MAINTAINED WITHIN 7700 NORTH  
MOUNTAIN ROAD BOVARY 1941

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*Ronald E. Carroll, Jr.*  
1972 PRESIDENT

WILLIAM F. WILLIAMS  
ABOLITION JOURNALIST  
William F. Williams

1. *Lawrence Sanders*

[illegible]

The Transitive Property  
 If  $a = b$  and  $b = c$ , then  $a = c$ .  
 If  $a < b$  and  $b < c$ , then  $a < c$ .  
 If  $a > b$  and  $b > c$ , then  $a > c$ .

RECEIVED BY NATIONAL ARCHIVES

Know all men by these presents, that I, John A. Smith, of the County of Albany, State of New York, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of Albany, State of New York.

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### ACKNOWLEDGEMENT:

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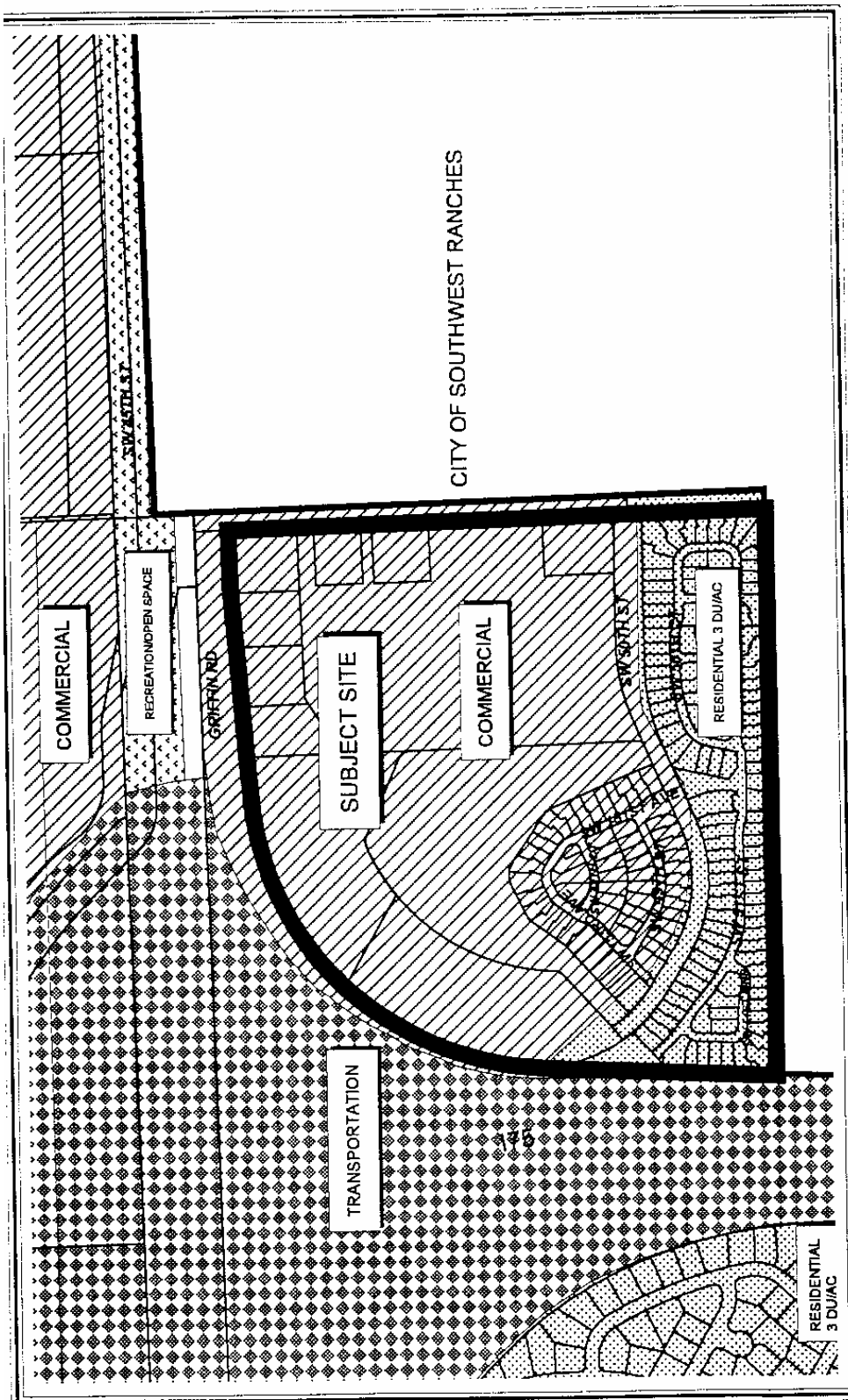
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Q. Now, you're going to tell me that you saw the defendant on the night of the murder, is that correct?

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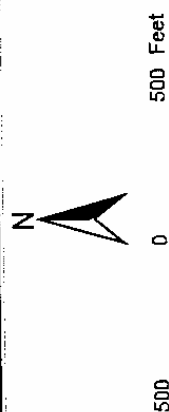
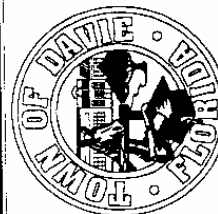
Marie & Ben  
Alvarez & company  
111 West 10th St  
New York



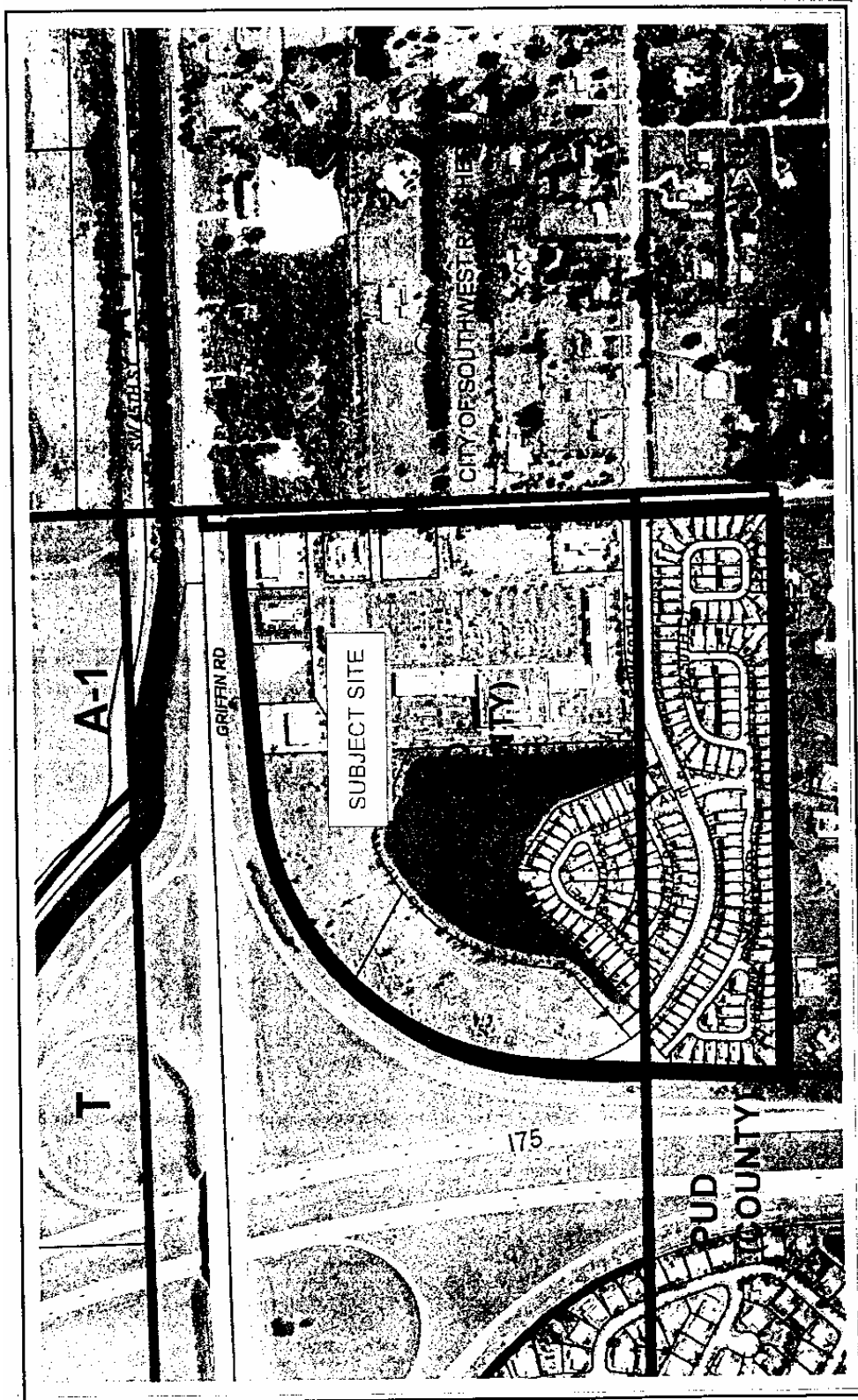


**DELEGATION REQUEST**  
**DG 10-4-02**  
**Future Land Use Map**

Prepared By: ID  
 Date Prepared: 11/16/02



Planning & Zoning Division



**DELEGATION REQUEST**  
**DG 10-4-02**  
**Zoning and Aerial Map**

Prepared By: ID  
 Date Prepared: 11/15/02



Date Flown:  
 12/31/00

500 0 500 Feet

**Planning & Zoning Division**